

03-29-01

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EXPRESS MAIL LABEL NO. EL740534444US

PATENT APPLICATION  
Docket No: 2409.3273.3US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification  
Class 604, Subclass 43

Parent Application:  
Examiner: Ronald K. Stright, Jr.  
Art Unit: 3262

TRANSMITTAL FOR CONTINUATION APPLICATION

BOX: PATENT APPLICATION  
Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231

Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.60, of pending prior United States Patent Application Serial No. 139,705 of Geoffrey S. Martin et al. for MULTIPLE LUMEN CATHETER (hereinafter "the Parent Application") that was filed on August 25, 1998. The Parent Application is a continuation application of United States Patent Application Serial No. 481,169 that was filed on June 7, 1995 (hereinafter "the Grandparent Application").

A. Enclosures

Toward that end enclosed are the following documents:

- x A complete copy of the Parent Application, as originally filed comprising 30 pages of text, including a cover page.
- x Drawings as originally filed with the Parent Application comprising nine (9) sheets of informal figures.

- x   A Declaration at page 6 verifying that, with the exception of the docket number and return address of the undersigned on the cover page, and the paragraph identification numbering throughout the specification, the above-listed application and drawings are true copies of the same filed in the Parent Application.
- x   For the purpose of qualifying this application as an application under 37 C.F.R. § 1.47, a copy of the following documents from the Parent Application that were originally filed in the Grandparent Application relative to oath or declaration filed therein:
- x   Combined Declaration and Power of Attorney dated November 30, 1995;
- x   Declaration Under 37 C.F.R. § 1.47(a) dated November 30, 1995, with Schedule A attached; and
- x   Decision According Status Under 37 C.F.R. § 1.47(a) dated July 2, 1996.
- A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.
- x   Check No. 16092 in the amount of \$710.00 comprising the basic filing fee for other than a small entity.
- x   For effecting amendments to the specification or claims prior to an examination on the merits, enclosed are the following:
- x   A Preliminary Amendment;
- x   Appendix A to Preliminary Amendment: Amendments to Specification as Originally Filed;
- x   Appendix B to Preliminary Amendment: Amendment to the Abstract as Originally Filed;
- x   A Transmittal for Preliminary Amendment containing a fee calculation;
- x   Check No. 16098 in the amount of \$152.00 comprising the fee for extra claims, if required;

- x   For effecting amendments to the drawings prior to an examination, enclosed are the following:
- x   Letter to Official Draftsperson;
- x   Formal drawings with changes (9 sheets); and
- x   Drawings with changes highlighted in red (9 sheets).
- x   An Associate Power of Attorney.
- x   A Certificate of Mailing by "Express Mail" certifying a filing date for the enclosed application by use of Express Mail Label No. EL740534444US.

B. Instructions

- x   Cancel in this application original Claims 2-23 of the Parent Application before calculating the filing fee.
- x   Amend the specification by deleting Paragraph No. [0001] as originally filed and substituting therefor the following new Paragraph No. [0001]:

--[0001] This application is a continuation application of copending United States Patent Application Serial No. 139,705 that was filed on August 25, 1998 (hereinafter "the Parent Application"), and that issued as United States Patent No. 6,206,849 on March 27, 2001. The Parent Application is a continuation application of United States Patent Application Serial No. 481,169 that was filed on June 7, 1995 (hereinafter "the Grandparent Application"), and that issued as United States Patent No. 5,797,869 on August 25, 1998. The Grandparent Application is a continuation application of United States Patent Application Serial No. 205,331 that was filed on March 3, 1994 (hereinafter "the Great-Grandparent Application"), and that issued as United States Patent No. 5,472,417 on December 5, 1995. The Great-Grandparent Application is a continuation application of United States Patent Application Serial No. 785,351 that was filed on October 30, 1991 (hereinafter "the Great-Great-Grandparent Application"), and that is now abandoned. The Great-Great-Grandparent Application is a continuation application of United States Patent Application Serial No. 288,364 that was filed on December 27, 1988 (hereinafter "the Great-Great-Great-Grandparent Application"), and that issued as United States Patent Application No. 5,195,962 on March 23, 1993. This application is also related to United States Patent Application Serial No. 699,421 that was filed on May 31, 1991, as a divisional application of the Great-Great-Great-Grandparent Application, and that issued as United States Patent No. 5,135,599 on August 4, 1992.--

- ☐ Transfer the drawings from the Parent Application to this application, and abandon the Parent Application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the file of the Parent Application.
- ☒ Please address all future correspondence in connection with the above-identified patent application to the attention of:

Kent S. Burningham, Esq.  
TRASKBRITT  
230 South 500 East, Suite 300  
Salt Lake City, Utah 84102 USA  
Telephone: (801) 532-1922  
Facsimile: (801) 531-9168  
Toll Free: (800) 900-2001

C. Averments.

- ☐ Priority of Application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority documents has been filed in Parent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_ date.
- ☐ A Verified Statement to Establish Small Entity Status was filed in the Parent Application and such status is still proper and desired.
- ☒ The Grandparent Application, and consequently also the Parent Application, are assigned of record to VAS-CATH INCORPORATED by the cumulative effect of two (2) documents recorded individually at Reel 5256, frames 304-305, and Reel 5311, frames 979-982.

x The power of attorney currently in effect in the Parent Application is to:

David V. Trask	Registration No. 22,012
William S. Britt	Registration No. 20,969
Thomas J. Rossa	Registration No. 26,799
Laurence B. Bond	Registration No. 30,549
Joseph A. Walkowski	Registration No. 28,765
James R. Duzan	Registration No. 28,393
Allen C. Turner	Registration No. 33,041
Kent S. Burningham	Registration No. 30,453
Julie K. Morriss	Registration No. 33,263
Robert G. Winkle	Registration No. 37,474
Patrick McBride	Registration No. 39,295
Edgar R. Cataxinos	Registration No. 39,931
Keith Hargrove	Registration No. 34,836
Brick G. Power	Registration No. 38,581
Kenneth E. Horton	Registration No. 39,481
Kenneth C. Booth	Registration No. 42,342

— The power appears in the originally filed papers of the Parent Application.

x Since the power does not appear in a single document among the originally filed papers of the Parent Application, enclosed is a copy of each of the following that cumulatively establish the power currently in effect in the Parent Application:

x Substitute Power of Attorney executed on July 17, 1997, with Exhibits A-E attached thereto as originally filed in the Grandparent Application; and

x an Associate Power of Attorney executed by the undersigned on August 25, 1998, as originally filed in the Parent Application.

#### D. Payments

The filing fee, after the cancellation of claims as requested in Section B above, has been calculated as shown below.

CLAIM INVENTORY			SMALL ENTITY		<u>OR</u>	OTHER THAN A SMALL ENTITY	
Claims	Highest No. Paid For by Basic Fee	Present Extra	Rate	Fee		Rate	Fee
Total 1	Minus 20	0	\$ 9.00	--		\$18.00	\$ 0
Indep. 1	Minus 3	0	\$40.00	--		\$80.00	\$ 0
First Multiple Dependent Claim			\$135.00	--		\$270.00	\$ 0
Basic Fee			\$355.00	--		\$710.00	\$710.00
TOTAL				--		TOTAL	\$710.00

- x   Any check(s) remitted herewith are listed in Section A above.
- Please debit Deposit Account No. 20-1469 in the amount of \$ \_\_\_\_\_ for the filing fee. Triplicate copies of this sheet are attached.
- x   The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1469. Copies in duplicate of this sheet are enclosed.
- x   Any additional filing fees required under 37 C.F.R. § 1.16.
- x   Any patent application processing fees under 37 C.F.R. § 1.17.
- x   The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 20-1469. Copies in duplicate of this sheet are enclosed.
- x   Any patent application processing fees under 37 C.F.R. § 1.17.
- The issue fee set forth in 37 C.F.R. § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. § 1.311(b).
- x   Any filing fees under 37 C.F.R. § 1.16 for presentation of extra claims.

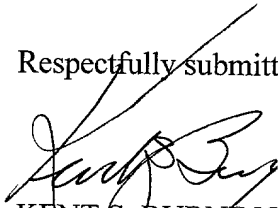
E. Declaration

I hereby certify that, with the exception of the new docket number and return address of the undersigned on the cover page, and the paragraph identification numbering throughout the specification, the attached papers are a true copy of the prior United States Patent Application Serial No. 139,705 that was filed on August 25, 1998.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 27<sup>th</sup> day of March, 2001.

Respectfully submitted,

  
KENT S. BURNINGHAM  
Attorney for Applicant  
Registration No. 30,453

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Docket: 2409.3273.3US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Geoffrey S. Martin et al. )  
For: MULTIPLE LUMEN CATHETER )  
Continuation Application of: )  
Serial No.: 139,705 ) Group Art Unit  
Filing Date: August 25, 1998 ) 3262  
Prior Examiner: Ronald K. Stright, Jr. )

1c903 U.S. PTO  
09/819458  
03/27/01

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: EL740534444US

Date of Deposit: March 27, 2001

I hereby certify that this continuation patent application in the name of Geoffrey S. Martin and Michael R. LeBlanc for MULTIPLE LUMEN CATHETER, together with the documents listed as transmitted below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above in an envelope addressed to Box: PATENT APPLICATION, Commissioner for Patents, United States Patent and Trademark Office, Washington, D.C. 20231.